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Letter dated 19 April 1999 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

As the date of 4 May 1999 approaches, it is necessary to clarify the precise legal obligations of Israel and the Palestine Liberation Organization (PLO) with respect to the interim arrangements created by the Oslo Accords in the West Bank and Gaza Strip. This clarification has been made particularly urgent since the international community has been recently exposed to repeated Palestinian arguments claiming that the transitional period will end on 4 May and hence a legal and political vacuum will ensue that should be filled by a unilateral declaration of a Palestinian state.

This argument is false. There will be no legal vacuum after 4 May 1999. The original hope of the parties was indeed to reach agreement on permanent status arrangements by 4 May 1999, while transitional interim arrangements were being implemented. But this was a suggested target date alone.

If the two sides do not succeed in concluding the permanent status negotiations by 4 May 1999, the interim arrangements will continue until these negotiations have been concluded. It should be emphasized that the interim Agreement explicitly prohibits the parties from changing "the status of the West Bank and Gaza Strip pending the outcome of the permanent status negotiations" (article XXXI; 7, emphasis added). This prohibition on changing the status of the territories is notably not linked to a specific date.

In short, the Oslo arrangements do not expire. Moreover, the status of the disputed territories is not to be altered until permanent status negotiations are completed. It is for this reason that the Interim Agreement contains a date for its entry into force but no date for its conclusion. It is also for this

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reason that 4 May 1999 is described, in the Israel-PLO agreements, as an "aim" or "mutual goal" and not as a fixed deadline.

This approach, in fact, is reflected in the actual practice of the parties to date. Where, in the course of implementing the Oslo Accords, the two sides have been unable to reach agreements by the specified target dates, the arrangements in force have continued to apply until the negotiation on the new arrangements have been concluded. This was the case with respect to the Gaza-Jericho Agreement in 1994 and the Hebron Protocol in 1997.

Finally, it should be stressed that the Palestinians have refused Israel's repeated invitation to negotiate a permanent status agreement. Therefore, they cannot now be permitted to rely on the absence of such an agreement, which they themselves prevented, to justify a unilateral declaration of statehood. The false argument of a vacuum is clearly being advanced in order to totally change the agreed terms of the peace process: to replace a negotiated resolution of Israeli-Palestinian differences with a unilateralist alternative. It should be recalled that PLO Chairman Yasser Arafat committed himself, in a letter to Prime Minister Yitzhak Rabin on 9 September 1993, to the principle that "all outstanding issues related to permanent status will be resolved through negotiations".

Similarly, Palestinian spokesmen are also referring to General Assembly resolution 181 (II) of 29 November 1947, as filling the purported vacuum that they allege will occur on 4 May 1999. Israel has repeatedly stated that this resolution was overtaken by events and therefore its recommendations have been characterized as null and void by repeated Israeli Governments. The only relevant United Nation resolutions governing the peace process are Security Council resolutions 242 (1967) and 338 (1973), which supersede Assembly resolution 181 (II) and call for the termination of the state of belligerence between the parties as well as the right of every State in the area to live in peace within secure and recognized boundaries.

For this reason, a Palestinian unilateral declaration of statehood is more than simply an unlawful act. It is a rejection of the two fundamental principles of the peace process: the need to accommodate the legitimate rights of both sides and the recognition that this accommodation can only be achieved through negotiation. It would thus undermine the only framework that has proved capable of bringing about genuine changes in the situation of the Palestinian people - to the extent that today 97 per cent of the Palestinians of the West Bank and all the Palestinians of the Gaza Strip live under Palestinian not Israeli rule.

I should be grateful if you would have this document circulated as a document of the General Assembly, under item 43 of the preliminary list, and of the Security Council.

(Signed) Ambassador Dore GOLD
Permanent Representative